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HOUSE BILL 61

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES ROGER MADALENA

FOR THE INTEGRATED WATER AND RESOURCE PLANNING COMMITTEE

AN ACT

RELATING TO WATER; AMENDING SECTION 73-2-41 NMSA 1978 (BEING LAWS 1860-1861, P. 24, SECTION 2, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 73-2-41 NMSA 1978 (being Laws 1860-1861, p. 24, Section 2, as amended) is amended to read:

"73-2-41. RIGHTS IN GOVERNMENT OF DITCH--DIVISION OF WATER. -- ~~[SEC. 116. The different communities of Indians residing within the state of New Mexico shall be subject to render their services in working the acequias, within the limits of their respective reservations in which they may have a common interest with the citizens who live within their respective reservations, and they shall enjoy at the same time the same benefit and rights of commercial traffic; provided that said Indians shall have no right to participate in the nominations~~

Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 ~~and election of acequia overseers or acequia or water~~
2 ~~commissioners in any ditch, whether within or without their~~
3 ~~reservations, except in acequias constructed entirely by~~
4 ~~themselves, unless they have paid their proportionate share of~~
5 ~~the whole cost of the construction of such acequia and unless~~
6 ~~the lands sought to be voted by said Indians have been duly~~
7 ~~returned for taxation in accordance with law and state and~~
8 ~~county taxes paid thereon.]~~ In all cases in which citizens
9 living within the limits of [such] communities or pueblos of
10 Indians [shall] have acquired water rights by purchase of land
11 from [said] the Indians, the distribution of [such] the water
12 between the Indians and the [said] citizens shall be agreed
13 upon, based upon the customs heretofore practiced and recognized
14 between the [said] Indians and [said] the citizens, by and
15 between the governor of the community or pueblo and the
16 commissioners of [such] acequias in which the [said] citizens
17 may have acquired any [such] rights [and]. The governors of
18 [such] communities or pueblos of Indians and the [said] river or
19 acequia commissioners shall also regulate the amount and manner
20 of work to be done by the Indians and citizens in all [such]
21 acequias in which [all] the citizens and Indians have water
22 rights in accordance with such customs. "